

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

LEWIS HUTCHINS,

Plaintiff,

v.

WORLD JOB AND FOOD BANK, INC.,
et al.,

Defendants.

Case No.: C 05-2638 PVT

**INITIAL CASE MANAGEMENT
CONFERENCE ORDER**

On September 12, 2006, Plaintiff and Defendant World Job and Food Bank, Inc. (“WJFB”) appeared before Magistrate Judge Patricia V. Trumbull for a Case Management Conference. Plaintiff and Defendant WJFB have consented to Magistrate Judge jurisdiction.¹ Based on the parties’ Joint Case Management Statement, and the discussions held at the Case Management Conference,

IT IS HEREBY ORDERED that the court adopts the parties’ statement of disputed

¹ Defendants BLP Windsor Holdings, S.A., Wilhelm Loebbert, Sigbert Hauschild, Rainer Fischbach and Jeffrey Gaal were served with the summons and complaint but failed to file any responsive pleading. Defaults were entered as to those Defendants on June 13, 2006. No consents have been obtained from those Defendants. After this matter is concluded between Plaintiff and Defendant WJFB the action will be reassigned to a District Judge for hearing on motions for default judgment against the defaulting Defendants.

1 factual and legal issues as set forth in the Case Management Conference Statement.

2 IT IS FURTHER ORDERED that the deadline for joinder of any additional parties, or
3 other amendments to the pleadings, is sixty days after entry of this order.

4 IT IS FURTHER ORDERED that the deadline for Plaintiff to inform the court if he
5 intends to serve the summons and complaint on Defendant Andre Khayyam is sixty days after
6 entry of this order. In the parties' Joint Case Management Conference Statement, Plaintiff states
7 that he is "disinclined" to serve Defendant Andre Khayyam, who is the only Defendant who has
8 not yet been served with the summons and complaint. In the event Plaintiff decides he does wish
9 to proceed against Defendant Khayyam in this action, he must so notify the court within sixty
10 days after entry of this order. Absent such notice, the court will dismiss this action without
11 prejudice as to Defendant Khayyam.

12 IT IS FURTHER ORDERED that the presumptive limits on discovery set forth in the
13 Federal Rules of Civil Procedure apply to this case. In the Joint Case Management Conference
14 Statement the parties also requested that the court set a deadline for the parties to exchange initial
15 disclosures. The Order Setting Initial Case Management Conference originally set October 25,
16 2005 as the last day for the parties to complete their initial disclosures. Neither party sought
17 relief from that deadline and no such relief was ever ordered. However, it appears some
18 confusion was caused by the withdrawal of Defendant WJFB's counsel shortly before the initial
19 disclosures were due, and the continuance of the Case Management Conference. Therefore, the
20 court hereby extends to September 26, 2006 the deadline for the parties to complete their initial
21 disclosures.

22 IT IS FURTHER ORDERED that the parties shall participate in a settlement conference
23 before a Magistrate Judge of this court no later than December 1, 2006. The parties jointly
24 requested that either Magistrate Judge Maria-Elena James or Chief Magistrate Judge James
25 Larson conduct the settlement conference. The parties may inquire of Judge James and Judge
26 Larson if either of them would be willing to conduct the settlement conference. If the parties
27 have not obtained, by September 29, 2006, a date on either of those judges' calendars for the
28 settlement conference, then the parties shall promptly contact Magistrate Judge Howard Lloyd to

1 arrange a date on his calendar for the settlement conference.

2 IT IS FURTHER ORDERED that the Case Management Conference is continued to
3 January 9, 2007 for setting the remaining trial and pretrial dates.

4 Dated: 9/12/06


5 PATRICIA V. TRUMBULL
6 United States Magistrate Judge
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